

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES – February 21, 2017**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 pm.

Mayor Higgins read the following statement into the record:

“The requirements of the ‘Open Public Meetings Law, P.L. 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and Express-Times and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor Higgins led everyone in the flag salute.

Roll Call: Heinrich, Higgins, Jones, Klimko, Noone, Thompson, Valle

Absent: None

Also Present: Ann Kilduff, Borough Clerk; Matthew Hall, Borough Manager; and Leslie Parikh, Borough Attorney

**COUNCIL APPEARANCE**

Library Director Usha Thampi-Lukose introduced Library Board of Trustee members Terrilisa Bauknight, Ron Duryea, and John Valentine who were also present. U. Thampi-Lukose spoke to Council regarding the outdated materials in the library which cause students to visit neighboring libraries in order to complete their school projects. She also explained various building repairs needed and necessary upgrades to the computers. These necessities would need an increase to her budget of an additional \$50,000 - \$55,000. U. Thampi-Lukose provided Council with quotes for various upgrades.

T. Bauknight stated she spoke with the State Library Board regarding some of their concerns and was told an additional staff member is needed in order to have a Children’s Program. A Children’s Program would allow the Library to receive additional funding. T. Bauknight stated the current staff is paid less than the State average and informed Council of other areas where they are not in compliance with the State.

Mayor Higgins stated an additional \$35,000 will be added to the capital account for building repairs and Council will revisit the library budget before the budget is introduced. R. Duryea requested Council reimburse the Library for repairs made with programming monies and spoke of additional repairs and updates needed to the building.

Gailann Bruen, 66 Park Avenue, stated the Borough library situation is deplorable and explained the library is in dire need of financial support.

**MINUTES**

**Special Meeting Minutes of February 14, 2017**

A motion was made by Noone, seconded by Klimko, to approve the Special Meeting minutes of February 14, 2017.

Ayes: 6; Nays: 0; Abstain: 1 (Thompson)

Motion Carried

## **AUDIENCE**

Mayor Higgins opened up the audience portion for remarks, petitions, statements and testimony from guests.

### **Ethel Conry, 114 Youmans Avenue**

E. Conry spoke of the “Do Not Enter” sign that is needed on Youmans Avenue as the County bus and cars have been going the wrong way on a one-way street. M. Hall stated he will instruct DPW to install the sign and will speak with the County regarding the bus.

### **Reverend Bauknight, Mt. Pisgah Church**

Reverend Bauknight asked if there was anything in the Borough to accommodate Just One Big Happy Family as mentioned at the last meeting. M. Hall will review the zoning ordinance and updated Reverend Bauknight of his meeting with Mr. Suggs.

### **J. Monteverde, BID Director**

J. Monteverde updated Council on upcoming events.

Hearing no further comments, a motion was made by Heinrich, seconded by Thompson, to close the audience portion of the meeting.

Ayes: 7 Nays: 0

Motion Carried

## **REPORTS**

A motion was made by Heinrich, seconded by Valle, to receive and file the following reports:

1. Municipal Court Report for January
2. Warren County Board of Health – Monthly Report for January
3. Recreation Director – Monthly Report for February
4. Washington Township Police Department – Press Release for February 3, 2017
5. Washington Township Police Department – Monthly Report for January

Ayes: 7 Nays: 0

Motion Carried

## **COMMITTEE REPORTS**

There were no Committee reports at this meeting.

## **OLD BUSINESS**

Jeannine Gleba updated Council on an ordinance that will be provided at the next meeting which will include a variety of concerns. Another ordinance to be reviewed will amend Chapter 49 discussing peddling and door-to-door soliciting.

Detective Walter Koch was present to discuss Ordinance 2017-01 entitled “Ordinance of the Borough of Washington, County of Warren, State of New Jersey Creating Chapter \_\_\_\_\_ of the Code of the Borough of Washington Entitled “Unified Electronic Reporting System for Dealers in Precious Metals and Other Secondhand Goods”. He gave an overview of the ordinance, explained the process, and discussed concerns of the Mayor and Council. Based on this discussion, Detective Koch and Attorney Parikh will work on amending the ordinance. Mayor Higgins discussed Senate Bill 171 with Detective Koch and Council. Detective Koch will look into the cost of a bond. Rudy Bescherer was present in the audience and would like to see coins, currency and metals included in the ordinance.

## **NEW BUSINESS**

**Resolution 2017-46 – Resolution for Redemption of Tax Certificate as per NJSA 54:5 – Block 30, Lot 6**

**RESOLUTION #46-2017**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$654.60 for taxes or other municipal liens assessed for the year 2015 in the name of US Bank National Association supposed owner, and in said assessment and sale were described as 138 Belvidere Avenue, Block 30 Lot 6, which sale was evidenced by certificate #16-00033; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-13-17 and before the right to redeem was cut off, as provided by law, Island Title on behalf of Ocwen Loan Service claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,965.16 which is the amount necessary to redeem Tax Sale Certificate #16-00033.

**NOW THEREFORE BE IT RESOLVED**, on this 21st day of February, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,965.16** (This consists of \$1,665.16 Certificate Amount redeemed + \$1,300.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 30 Lot 6 from the tax office records.

Resolution 2017-46 was moved on a motion by Noone, seconded by Thompson, and approved.

ROLL CALL: Noone, Thompson, Heinrich, Jones, Klimko, Valle, Higgins  
Ayes: 7; Nays: 0; Abstain: 0  
Motion Carried

**Resolution 2017-47 – Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Washington Borough School Safety Improvement Project**

**WASHINGTON BOROUGH  
RESOLUTION 2017-47**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE WASHINGTON BOROUGH SCHOOL SAFETY IMPROVEMENTS PROJECT**

**WHEREAS**, Washington Borough, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Borough of Washington,

**NOW, THEREFORE, BE IT RESOLVED** that Committee of the Borough of Washington formally approves the grant application for the above stated project,

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2017-Washington Borough School Safety Improvements-00060** to the New Jersey Department of Transportation on behalf of the Borough of Washington.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 2017-47 was moved on a motion by Jones, seconded by Thompson, and approved.

ROLL CALL: Jones, Thompson, Heinrich, Klimko, Noone, Valle, Higgins  
Ayes: 7; Nays: 0  
Motion Carried

**Resolution 2017-48 –Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Resurfacing of North Prospect Street Project**

**WASHINGTON BOROUGH  
RESOLUTION 2017-48**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING  
OF NORTH PROSPECT STREET PROJECT**

**WHEREAS**, Washington Borough, Warren County, New Jersey has given Finelli Consulting Engineers the approval to submit this grant on the behalf of the Borough of Washington,

**NOW, THEREFORE, BE IT RESOLVED** that Committee of the Borough of Washington formally approves the grant application for the above stated project,

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2017-Resurfacing of N. Prospect Street-00061** to the New Jersey Department of Transportation on behalf of the Borough of Washington.

**BE IT FURTHER RESOLVED** that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Washington and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution 2017-48 was moved on a motion by Jones, seconded by Valle, and approved.

ROLL CALL: Jones, Valle, Heinrich, Klimko, Noone, Thompson, Higgins

Ayes: 7; Nays: 0

Motion Carried

**Resolution 2017-49 – A Resolution Authorizing Application for a Sustainable Jersey Grant for the Revegetation of Two Borough Properties**

**RESOLUTION 2017-49**

**RESOLUTION AUTHORIZING APPLICATION FOR A SUSTAINABLE JERSEY GRANT FOR  
THE REVEGETATION OF TWO BOROUGH PROPERTIES**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, Washington Borough strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, Washington Borough is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

**WHEREAS**, the award of a Sustainable Jersey Small Grant would support the revegetation of the downtown pocket park and a parking lot and augment an on-going park project on Borough land near the Shabbecong Creek;

**THEREFORE**, the Council of the Borough of Washington has determined that Washington Borough should apply for the aforementioned Grant.

**THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Washington, County of Warren, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

Resolution 2017-49 was moved on a motion by Jones, seconded by Noone, and approved.

Council Discussion

Councilwoman Noone explained this resolution is for planting trees and shrubs in the pocket park and the area by the Community Garden along the Shabbecong Creek. The grant provides \$2,000 for trees, shrub, perennials and mulch. The DPW will maintain the areas.

ROLL CALL: Jones, Noone, Heinrich, Klimko, Thompson, Valle, Higgins  
Ayes: 7; Nays: 0  
Motion Carried

**Resolution 2017-50 – Authorizing the Update of the Borough of Washington Open Space and Recreation Plan**

**RESOLUTION 2017-50**  
**AUTHORIZING THE UPDATE OF THE BOROUGH OF WASHINGTON**  
**OPEN SPACE AND RECREATION PLAN**

**WHEREAS**, the Borough of Washington Open Space and Recreation Plan was last updated in 2000 and there exists a need to engage the services of a Professional Planner to update the plan in order to apply for a Green Acres Planning Incentive Grant; and

**WHEREAS**, funds will be available for the update of the plan from the Open Space Trust Fund, authorized by referendum in 2016; and

**WHEREAS**, the Local Public Contracts Law (**N.J.S.A. 40A:11-1, et seq.**) authorizes the hiring of a Professional Planner without competitive bidding providing that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself be made available for public inspection; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, as follows:

1. Professional Planners Heyer, Gruel & Associates, are hereby appointed to update the Open Space and Recreation Plan.

2. The Manager has negotiated a mutually agreeable compensation agreement, the form of which is acceptable to the Mayor and Council. The Mayor and Clerk are hereby authorized to sign said agreement in the form presented.
3. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law, **N.J.S.A. 40A:11-5 and N.J.S.A. 19:44A-20.5.**
4. Adequate funds have been or will be appropriated for the services of Professional Planning as certified by Chief Financial Officer.

Resolution 2017-50 was moved on a motion by Noone, seconded by Jones, and approved.

ROLL CALL: Noone, Jones, Heinrich, Klimko, Thompson, Valle, Higgins

Ayes: 7; Nays: 0

Motion Carried

**Resolution 2017-51 – A Resolution for Redemption of a Tax Certificate as per NJSA 54:5 – Block 16.01, Lot 16**

**RESOLUTION #51-2017**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$655.80 for taxes or other municipal liens assessed for the year 2015 in the name of US BankTrust NA %Caliber Home Loan as supposed owner, and in said assessment and sale were described as 102 West Warren St., Block 16.01 Lot 16 , which sale was evidenced by Certificate #16-00024; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 2-16-17 and before the right to redeem was cut off, as provided by law, Attorney Maureen McCabe claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust for Pro Capital 5 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,002.10 which is the amount necessary to redeem Tax Sale Certificate #16-00024.

**NOW THEREFORE BE IT RESOLVED**, on this 21st day of February, 2017 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust for Pro Capital 5 Sterling National, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$3,002.10**.

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 16.01 Lot 16 from the tax office records.

Resolution 2017-51 was moved on a motion by Heinrich, seconded by Klimko, and approved.

ROLL CALL: Heinrich, Klimko, Jones, Noone, Thompson, Valle, Higgins  
Ayes: 7; Nays: 0  
Motion Carried

Resolution 2017-53 – Resolution Appointing a Member to the Shade Tree Commission

**RESOLUTION 2017-53**  
**RESOLUTION APPOINTING A MEMBER TO THE**  
**SHADE TREE COMMISSION**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

**WHEREAS**, under this plan, the Borough Council is directed and authorized to appoint members of the Shade Tree Commission.

**WHEREAS**, the Mayor of the Borough of Washington has designated the following person his appointee:

**Scott McDonald**

**WHEREAS**, the Borough Council does approve of this appointment.

**NOW, THEREFORE, BE IT RESOLVED**, that the above named person is appointed as a member of the Shade Tree Commission for a term ending **12/31/2020**.

Resolution 2017-53 was moved on a motion by Noone, seconded by Heinrich, and approved.

Ayes: 7; Nays: 0  
Motion Carried

Resolution 2017-54 – Resolution Appointing Members to the Open Space Committee

**RESOLUTION 2017-54**  
**RESOLUTION APPOINTING MEMBERS TO THE**  
**OPEN SPACE COMMITTEE**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

**WHEREAS**, under this plan, the Mayor of the Borough is to appoint the members of the Open Space Committee for Washington Borough with the consent of the Borough Council; and

**WHEREAS**, the Mayor has designated the following people as his appointees:



**Michael Franks  
Mary Jo Harris  
Jennifer Lamberti  
Gary Pohorely  
Andrew Turner**

**WHEREAS**, the Borough Council does approve of this appointment.

**NOW, THEREFORE, BE IT RESOLVED**, that the above named people are appointed to the Open Space Committee for a term ending **12/31/2017**.

Resolution 2017-54 was moved on a motion by Jones, seconded by Noone, and approved.

Ayes: 6; Nays: 0; Abstentions: 1 (Klimko)  
Motion Carried

Resolution 2017-55 – Resolution Appointing a Member to the Library Board of Trustees

**RESOLUTION 2017-55  
RESOLUTION APPOINTING A MEMBER TO THE  
LIBRARY BOARD OF TRUSTEES**

**WHEREAS**, the Borough of Washington, Warren County, New Jersey is governed by Plan “E” of Municipal Charter Law; and

**WHEREAS**, under this plan, the Mayor of the Borough is to appoint the members of the Library Board of Trustees for Washington Borough with the consent of the Borough Council; and

**WHEREAS**, the Mayor has designated the following person as his appointee:

**Scott McDonald**

**WHEREAS**, the Borough Council does approve of this appointment.

**NOW, THEREFORE, BE IT RESOLVED**, that the above named person is appointed to the Library Board of Trustees for a term ending **12/31/2019**.

Resolution 2017-55 was moved on a motion by Noone, seconded by Jones, and approved.

Ayes: 7; Nays: 0  
Motion Carried

After a brief discussion, a budget meeting was scheduled for Tuesday, March 7, 2017 at 6:00 pm.

## **VOUCHERS**

A motion was made by Heinrich, seconded by Jones, to approve the vouchers and claims in the amount of \$1,250,010.85. M. Hall will look into the duplicate listing on the bills list.

ROLL CALL: Heinrich, Jones, Klimko, Noone, Thompson, Valle, Higgins

Ayes: 7; Nays: 0; Abstentions: 1 (Thompson – Fire and EMS Only)

Motion Carried

## **COUNCIL REMARKS**

Councilwoman Noone thanked Jeannine Gleba for her continued work on the Code Book.

Councilwoman Valle discussed downtown garbage issues with M. Hall and R. Bescherer and would like to see recycling containers next to garbage cans.

Mayor Higgins spoke of a Community Relations Committee and a Washington Borough facebook page. Attorney Parikh will work on a policy for posting on facebook. Mayor Higgins reported that on February 2, 2017, the BID hosted its annual Recognition Dinner and honored former Mayor Scott McDonald with a Lifetime Achievement Award.

Council entered into Executive Session after a short recess.

## **EXECUTIVE SESSION**

A motion was made by Noone, seconded by Klimko, to approve Resolution 2017-52 - Authorizing Executive Session for the purpose of discussing a pending litigation matter, contract matters and a personnel matter at 9:30 pm.

Ayes: 7 Nays: 0

Motion Carried

## **RESOLUTION # 2017-52** **AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_A matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

  X   Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is:        The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_)

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

  X   Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the

disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Noone, seconded by Klimko, to come out of Executive Session at 9:55 pm.

Ayes: 7 Nays: 0

Motion Carried

**ADJOURNMENT**

Hearing no further business, a motion was made by Jones, seconded by Heinrich, to adjourn the meeting at 9:56 pm.

Ayes: 7 Nays: 0

Motion Carried

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Mayor David Higgins

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Ann Kilduff, RMC Borough Clerk